

Order

Michigan Supreme Court
Lansing, Michigan

October 24, 2011

Robert P. Young, Jr.,
Chief Justice

141340

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 141340
COA: 296712
Jackson CC: 10-000382-AR

LARRY RANDALL BELL,
Defendant-Appellee.

By order of September 27, 2010, the application for leave to appeal the May 10, 2010 order of the Court of Appeals was held in abeyance pending the decision in *People v Dowdy* (Docket No. 140603). On order of the Court, the case having been decided on July 11, 2011, 489 Mich 373 (2011), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the district court order dismissing the charges. Even if the defendant was homeless, he was obligated to advise law enforcement officers within 10 days after he changed or vacated his previously registered residence or domicile. *Dowdy, supra* at 381. Homelessness does not prevent a sex offender from complying with the notification obligation pursuant to MCL 28.725(1) because every person must have a legal domicile or, for practical purposes, because the Michigan State Police has promulgated an order to accommodate homeless sex offenders for the purposes of registration. *Dowdy, supra* at 386-387. The trial court therefore erred in concluding that the homeless defendant was not statutorily mandated to register "something." We REMAND this case to the 12th District Court for reinstatement of the charges against the defendant and for further proceedings consistent with this order.

CAVANAGH, J., would grant leave to appeal.

MARILYN KELLY, J., would grant leave to appeal to reconsider *People v Dowdy*, 489 Mich 373 (2011).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 24, 2011

Corbin R. Davis

Clerk